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9 Attorneys for Defendant  
10 INTEGRITY INVESTMENT GROUP, LLC  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KEVIN R. MCLEAN, )  
Plaintiff, )  
v. )  
WORLD SAVINGS FSB; INTEGRITY )  
INVESTMENT GROUP, LLC; GOLDEN )  
WEST SAVINGS ASSOCIATION )  
SERVICE CO.; SUSAN FEDERIGHI; BILL )  
FORD; JEFFREY FORD; CALIFORNIA )  
FRANCHISE TAX BOARD; WILLIAM L. )  
VEEN, )  
Defendants. )  
\_\_\_\_\_  
)

No. 07-05594 JSW

**FIRST AMENDED NOTICE OF  
MOTION AND MOTION TO  
DISMISS [FRCP RULE 12 (b)(1)  
and 12(b)(6)]**

**Date: March 7, 2008  
Time: 9:00 a.m.  
Courtroom: Hon. Jeffrey S. White,  
Courtroom 2, 17<sup>th</sup> Floor**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that the above captioned motion, formerly noticed for February 29, 2008 at 9:00 a.m., has been changed due to unavailability of the court; and that on **March 7, 2008 at 9:00 a.m.**, before the Hon. Jeffrey S. White, United States District Court, Courtroom 2, 17<sup>th</sup> Floor, 450 Golden Gate Avenue, San Francisco, California 94102, pursuant to Federal Rule of Civil Procedure Rule 12(b)(1) and 12(b)(6), Defendant Integrity Investments, LLC, specially

1 appearing herein, will move the court for an order dismissing this case with prejudice, on the  
2 grounds that 1) under Rule 12(b)(1), the court is without subject matter jurisdiction to hear and  
3 determine the claims against this defendant because there is no federal question or other federal  
4 subject matter jurisdiction over the alleged state law non-judicial foreclosure or eviction action; and  
5 2) pursuant to Rule 12(b)(6), without prejudice to the alternate motion, the complaint fails to state  
6 a claim for relief against this defendant because it is a bona fide third party purchaser for value at  
7 the sale.

8 The motion will be based upon this First Amended Notice; the Memorandum of Points &  
9 Authorities, previously filed and served herein; and such other evidence and argument as may  
10 presented by the moving party at or prior to the hearing of the motion.

11 Dated: January 23, 2008

LAW OFFICES OF MARK J. ROMEO

12 By /S/Mark J. Romeo  
13 MARK J. ROMEO  
14 Attorneys for Defendant  
15 INTEGRITY Investment Group LLC

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